

1.1 ..... moves to amend H.F. No. 2184 as follows:

1.2 Page 100, after line 17, insert:

1.3 "Sec. .... **[245L.01] DEFINITIONS.**

1.4 Subdivision 1. **Terms defined.** As used in this chapter, the terms defined in this section  
1.5 have the meanings given them.

1.6 Subd. 2. **Board.** "Board" means the Board of Welfare Fraud Prosecution.

1.7 Subd. 3. **Welfare.** "Welfare" means medical assistance under chapter 256B, the Minnesota  
1.8 family investment program under chapter 256J, MinnesotaCare under chapter 256L, the  
1.9 child care assistance program under chapter 119B, and the federal Supplemental Nutrition  
1.10 Assistance Program.

1.11 Sec. .... **[245L.02] BOARD OF WELFARE FRAUD PROSECUTION.**

1.12 Subdivision 1. **Board established; members.** (a) The Board of Welfare Fraud  
1.13 Prosecution consists of the following six members appointed by the governor:

1.14 (1) one public member who works in a county human services office as a caseworker  
1.15 from a county located outside of the seven-county metropolitan area;

1.16 (2) one public member who works in a county human services office as a caseworker  
1.17 for a county with a first class city located within its borders;

1.18 (3) one county attorney from a county located outside of the seven-county metropolitan  
1.19 area;

1.20 (4) one county attorney from a county with a first class city located within its borders;

1.21 (5) one welfare fraud investigator from a county located outside of the seven-county  
1.22 metropolitan area; and

2.1 (6) one welfare fraud investigator form a county with a first class city located within its  
2.2 boarders.

2.3 (b) The board also includes one member appointed by the state attorney general.

2.4 (c) All members shall demonstrate an interest in and be supportive of maintaining a  
2.5 high-quality, permanent, independent welfare fraud prosecutorial office to investigate and  
2.6 prosecute welfare fraud.

2.7 Subd. 2. **Board duties and responsibilities.** The board shall: (1) appoint an attorney  
2.8 with sufficient prosecutorial experience to serve as state welfare fraud prosecutor and  
2.9 establish the prosecutor's compensation; (2) approve and recommend to the legislature a  
2.10 budget for the board and the welfare fraud prosecutorial office; (3) provide appropriate  
2.11 oversight and supervision for the prosecutor and the office; and (4) make recommendations  
2.12 to the legislature regarding changes in law relating to the responsibilities and jurisdiction  
2.13 of the prosecutor and the office, and other related matters.

2.14 Subd. 3. **Meetings; chair.** The board shall meet at least annually and may meet as often  
2.15 as necessary to fulfill its duties and responsibilities. The board shall elect a chair from among  
2.16 its members.

2.17 Subd. 4. **Terms.** Board members shall serve two-year terms.

2.18 Subd. 5. **Limitation.** In no event shall the board or its members interfere with the  
2.19 discretion, judgment, or zealous advocacy of the state welfare fraud prosecutor or other  
2.20 members of the welfare fraud prosecutorial office in their handling of individual cases within  
2.21 their jurisdiction.

2.22 Subd. 6. **Workload; outside employment.** The board shall monitor the workload of  
2.23 the state welfare fraud prosecutor and other members of the welfare fraud prosecutorial  
2.24 office. If the board determines that a position need not be full time, the board shall adjust  
2.25 the individual's compensation and working arrangements accordingly. If this occurs, the  
2.26 board may allow the individual to work outside the scope of the office if doing so does not  
2.27 jeopardize the integrity or the real or perceived independence of the office.

2.28 Sec. .... **[245I.03] STATE WELFARE FRAUD PROSECUTOR.**

2.29 Subdivision 1. **Term; office.** The state welfare fraud prosecutor's term is two years. The  
2.30 prosecutor serves in the unclassified service and may be removed only for cause by the  
2.31 board. The prosecutor shall direct the operation of the welfare fraud prosecutorial office  
2.32 and, subject to the approval of the board, may hire or retain other individuals to assist in  
2.33 the investigation and prosecution of welfare fraud cases within the state.

3.1 Subd. 2. **Qualifications.** The welfare fraud prosecutor and any staff attorneys in the  
3.2 welfare fraud prosecutorial office shall have experience in prosecuting criminal fraud in  
3.3 both state and federal court.

3.4 Subd. 3. **Jurisdiction.** (a) The state welfare fraud prosecutor has sole prosecutorial  
3.5 jurisdiction over welfare fraud cases in the state.

3.6 (b) In situations described in paragraph (a), the prosecutor shall exercise the powers of  
3.7 a county attorney.

3.8 (c) The prosecutor is subject to the same ethical standards as a county attorney. The  
3.9 prosecutor shall prosecute only those cases that the prosecutor considers appropriate, based  
3.10 on the prosecutor's professional judgment and experience.

3.11 Sec. .... **[245I.04] CONFLICTING PROVISIONS SUPERSEDED.**

3.12 To the extent of a conflict, the provisions in this chapter supersede contrary provisions  
3.13 in sections 8.01, 388.051, and 388.12, and any other conflicting provision in law or rule.

3.14 Sec. .... **[245I.05] NOTIFICATIONS.**

3.15 (a) A county attorney shall ensure that the welfare fraud prosecutorial office is notified  
3.16 when the county attorney's office receives a welfare fraud case. If a county attorney is aware  
3.17 that welfare fraud has occurred in the county, the attorney shall notify the office of this  
3.18 unless the attorney knows that the office has already been notified.

3.19 (b) The notifications required in paragraph (a) must be made immediately.

3.20 (c) In addition, any other person may report suspected welfare fraud to the office.

3.21 Sec. .... **[245I.06] REPORTING.**

3.22 (a) If the state welfare fraud prosecutor determines that a criminal charge is not warranted  
3.23 in a case within the prosecutor's jurisdiction, the prosecutor shall issue a public report  
3.24 explaining the reasons for the decision.

3.25 (b) By November 15 of each even-numbered year, the board shall submit a detailed  
3.26 report to the chairs and ranking minority members of the senate and house of representatives  
3.27 committees and divisions having jurisdiction over human services policy and funding that  
3.28 addresses the activities of the board, the state welfare fraud prosecutor, and the welfare  
3.29 fraud prosecutorial office, along with any recommended changes in law as required in  
3.30 section 245I.02, subdivision 2.

4.1 Sec. .... GOVERNANCE.

4.2 The governor and attorney general shall appoint members of the Board of Welfare Fraud  
4.3 Prosecution by July 1, 2019, and ensure that the first meeting of the board is convened by  
4.4 July 15, 2019."

4.5 Page 100, after line 21, insert:

4.6 "Sec. .... EFFECTIVE DATE.

4.7 Sections ... to ... are effective the day following final enactment. The provisions of section  
4.8 ... relating to the jurisdiction of the state welfare fraud prosecutor are effective September  
4.9 1, 2019, and apply to crimes committed on or after that date."

4.10 Page 566, after line 9, insert:

4.11 "Sec. 9. DEPARTMENT OF MANAGEMENT  
4.12 AND BUDGET

\$ ..... \$ .....

4.13 State Welfare Fraud Prosecutor. \$..... in  
4.14 fiscal year 2020 and \$..... in fiscal year 2021  
4.15 are appropriated from federal funds designated  
4.16 for fraud prevention activities to the  
4.17 commissioner of management and budget for  
4.18 welfare fraud prosecutorial office activities."

4.19 Renumber the sections in sequence and correct the internal references

4.20 Amend the title accordingly